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AMEMBASSY MOSCOW

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S E C R E T SECTION 1 OF 7 USNATO 1298

LIMDIS

E.O. 11652 GDS-3

TAGS: PLOS, NATO

SUBJECT: LAW-OF-THE-SEA: MARCH 6 NAC MEETING

SUMMARY: AT U.S. INITIATIVE, COUNCIL HELD SPECIAL SESSION MARCH 6 ON
LAW OF THE SEA WITH PARTICIPATION OF HIGH LEVEL LOS OFFICIALS FROM
MOST

ALLIED CAPITALS. U.S. REP (JOHN NORTON MOORE) EMPHASIZED ALLIANCE
INTEREST IN ENSURING UNIMPEDED TRANSIT OF STRAITS, IN PROTECTING
SOSUS

SYSTEM, AND IN ENSURING MEANINGFUL FREEDOM OF NAVIGATION AND
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OVERFLIGHT

IN ECONOMIC ZONE. HE SAID ALLIANCE ALSO HAS IMPORTANT INTERESTS IN
ENSURING SUCCESS OF LOS CONFERENCE AND IN SUBSTANTIAL PROGRESS AT
GENEVA. STATEMENTS OF OTHER REPS INDICATED BROAD SUPPORT ON THESE

POINTS. ALLIES SEEMED TO RECOGNIZE IMPORTANCE OF UNIMPEDED TRANSIT OF STRAITS. GREEKS WERE SILENT ON ISSUE BUT DID NOT DISAGREE WITH MOOR'S CHARACTERIZATION OF TREND TOWARD ACCEPTANCE. DANES CLEARLY EMBRACED CONCEPT (REFLECTING THEIR SATISFACTION AT PROGRESS OF BEHIND THE SCENES NEGOTIATION OF DANISH STRAITS). VAN DER ESSEN (BELGIUM) QUESTIONED WHETHER WE COULD OBTAIN SUBMERGED TRANSIT EVEN THOUGH HE FELT IT DESIRABLE. TURKISH REP INDICATED THAT IRANIAN PROPOSAL FOR PREFERENTIAL STRAITS RIGHTS FOR STATES ON ENCLOSED SEAS MIGHT BE WORTH STUDY. UK REP (JACKLING) AND CHAIRMAN OF MILITARY COMMITTEE (HILL-NORTON) STRONGLY OPPOSED SPECIAL REGIME FOR ENCLOSED SEAS. CANADIAN REP (BEESLEY) REVIEWED CANADIAN POSITION ON LOS ISSUES, SPOKE OF NEED FOR SENSITIVE HANDLING OF THIRD WORLD PRESSURES, AND SAID IDEAL SOLUTION FOR ALLIANCE MAY NOT BE ATTAINABLE ON ALL ISSUES. RADM. MORRIS (U.S.) BRIEFED NAC ON NEED TO PROTECT SOSUS. IN SUMMING UP, DEPUTY SYG PANSAS SUGGESTED ALLIES CONTINUE CONSULTATIONS AT GENEVA. CONSULTATIONS WERE PARTICULARLY USEFUL IN HIGHLIGHTING NATO SUPPORT FOR UNIMPEDED TRANSIT OF STRAITS AND NEED TO PROTECT SOSUS. END SUMMARY.

1. SYG LUNS WELCOMED OPPORTUNITY FOR NATO CONSULTATIONS ON LOS AND SUGGESTED THAT AFTER STATEMENTS AND DISCUSSION BEFORE COUNCIL, VISITING EXPERTS MIGHT WISH TO CONTINUE DISCUSSION OF TECHNICAL ISSUES. MENZIES (CANADA), DEROSE (FRANCE), AND THEODOROPoulos (GREECE) EXPRESSED VIEW THAT, IN LIGHT OF SIGNIFICANCE OF LOS AND UNIQUE OPPORTUNITY FOR PERMREPS TO PARTICIPATE IN CONSULTATIONS, DISCUSSIONS SHOULD BE CARRIED THROUGH AT COUNCIL LEVEL.

2. U.S. REP (JOHN NORTON MOORE) OPENED DISCUSSIONS BY EMPHASIZING IMPORTANCE OF LOS SECURITY ISSUES TO INTER-OCEANIC ALLIANCE. HE SAID ONE OF KEY ISSUES FOR NATO AT GENEVA WOULD BE NEED TO GUARANTEE UNIMPEDED TRANSIT OF STRAITS. RIGHT OF UNIMPEDED TRANSIT MEANS RIGHT OF VESSELS TO TRANSIT IN THEIR NORMAL MODE OF OPERATION, THAT IS AIRCRAFT IN THE AIR, SUBMARINES SUBMERGED, AND SURFACE VESSELS ON SURFACE. OBLIGATIONS OF TRANSITING
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VESSELS AND AIRCRAFT TO ADHERE TO INTERNATIONALLY ACCEPTED REGULATIONS COULD ENSURE NECESSARY ENVIRONMENTAL AND SAFETY PROTECTION. HOWEVER, THERE COULD BE NO QUESTION OF A CONSENT REGIME FOR COASTAL STATES OR OF ADVANCE NOTICE TO COASTAL STATES FOR TRANSIT.

3. U.S. REP NOTED THAT AT CARACAS THERE WAS A TENDENCY ON THE PART OF SOME PARTICIPANTS TO TRY TO SEPARATE FROM THE CONCEPT OF UNIMPEDED TRANSIT THE QUESTION OF TRANSIT BY MILITARY VESSELS AND THE QUESTION OF OVERFLIGHT BY AIRCRAFT. IT WAS ESSENTIAL THAT A LOS AGREEMENT GUARANTEE UNIMPEDED TRANSIT OF MILITARY VESSELS AND AIRCRAFT. THIS WOULD NOT MEAN ALTERING EXISTING REGIMES FOR STRAITS ALREADY GOVERNED BY ACCEPTED CONVENTIONS, AN

ISSUE OF IMPORTANCE TO SOME MEMBERS OF THE ALLIANCE. AT LEAST ONE MEMBER OF THE ALLIANCE WAS ALSO INTERESTED IN PROVISION EXCEPTING UNIMPEDED TRANSIT REGIME IN STRAITS BETWEEN ISLANDS AND THE MAINLAND UNDER SAME JURISDICTION WHEN ALTERNATIVE ROUTES WERE AVAILABLE. THE QUESTION OF UNIMPEDED TRANSIT OF STRAITS WAS OF SUCH VITAL CONCERN TO THE U.S. THAT WE COULD NOT ACCEPT A LOS TREATY WHICH DID NOT GUARANTEE SUCH TRANSIT.

4. ANOTHER ISSUE OF PARTICULAR SIGNIFICANCE TO NATO, U.S. REP SAID, WAS PROTECTION OF SOUND SURVEILLANCE SYSTEMS (SOSUS) ON COASTAL MARGINS. THE ISSUE HERE WAS ONE OF PROTECTING EXISTING NON-RESOURCE FREEDOMS IN THE 200 MILE ECONOMIC ZONE AND BEYOND THAT IN THE INTERNATIONAL RESOURCE AREA. PROTECTION OF SOSUS WOULD REQUIRE THAT WITHIN THE ECONOMIC ZONE RESIDUAL RIGHTS NOT RELATED TO RESOURCE OR ECONOMIC MATTERS REMAIN HIGH SEAS FREEDOM. ALTHOUGH PROTECTION OF SOSUS SYSTEMS IS OF GREAT SIGNIFICANCE TO NATO COUNTRIES THEY, OF COURSE, CANNOT DISCUSS THIS MATTER OPENLY IN INTERNATIONAL LOSS CONFERENCE BECAUSE OF HIGHLY CLASSIFIED INFORMATION INVOLVED. AT GENEVA THE ALLIES SHOULD RESIST EFFORTS TO LIST ALL THE PRECISE RIGHTS OF COASTAL STATES WITHIN THE ECONOMIC ZONE. THE BEST WAY TO PROTECT NATO SECURITY INTERESTS IN SOSUS WOULD BE TO MAKE CLEAR THAT ASIDE FROM CERTAIN ECONOMIC ACTIVITIES OTHER EXISTING HIGH SEAS FREEDOMS PERMITTED UNDER INTERNATIONAL LAW REMAIN PERMITTED RIGHTS IN THE ECONOMIC ZONE.

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S E C R E T SECTION 2 OF 7 USNATO 1298

LIMDIS

5. U.S. REP NOTED AS THIRD LOS POINT OF PARTICULAR IMPORTANCE TO THE ALLIANCE PROTECTION OF NAVIGATION AND OVERFLIGHT RIGHTS IN ECONOMIC ZONE. ONE PROBLEM IN THIS AREA WAS THE DESIRE OF SOME COUNTRIES TO SEEK A CONTIGUOUS ZONE IN A SMALL AREA ADJACENT TO THE TERRITORIAL SEA OR EVEN A CONTIGUOUS ZONE COEXTENSIVE WITH 200 MILE ECONOMIC ZONE. DISCUSSION OF CONTIGUOUS ZONE AT GENEVA COULD INTRODUCE PROBLEMS REGARDING PROTECTION OF NAVIGATION AND OVERFLIGHT RIGHTS IN THE ECONOMIC ZONE. THE U.S. BELIEVES THE BEST WAY TO HANDLE THIS ISSUE IS TO PRESERVE THE EXISTING CONTIGUOUS ZONE CONCEPT AS A ZONE EXTENDING NO FURTHER THAN 12 MILES FROM THE COAST. THIS ZONE
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COULD BE OF INTEREST TO ANY STATES THAT DO NOT EXTEND THEIR TERRITORIAL SEA UP TO 12 MILES.

6. U.S. REP SAID A RELATED PROBLEM IS THE NEED TO AVOID COASTAL STATE AUTHORITY TO SET STANDARDS FOR VESSEL SOURCE POLLUTION FOR SHIPS OR AIRCRAFT TRANNSITING THE ECONOMIC ZONE OR IN STRAITS. THEREE APPEARS TO BE A TREND AWAY FROM SETTING SUCH STANDARDS IN THE ECONOMIC ZONE. ONE PARTICULARLY HAZARDOUS AND VULNERABLE ZONE OF INTEREST TO A MEMBER OF THE ALLIANCE MAY REQUIRE SOME DEGREE OF COASTAL STATE AUTHORITY TO SET STANDARDS SUBJECT TO PROVISION OF A REVIEW MECHANISM. THE U.S. HAS TAKEN NO FINAL POSITION WITH REGARD TO THIS SPECIAL PROBLEM BUT IS PREPARED TO GIVE THE ISSUE CAREFUL CONSIDERATION. A GROWING CONSENSUS SUPPORTS FULL MILITARY EXEMPTION FOR COASTAL STATE ACTIVITIES IN THE ECONOMIC ZONE. IT SHOULD BE POSSIBLE TO ADOPT A PROVISION SIMILAR TO THE MILITARY EXEMPTION IN THE LONDON OCEAN DUMPING CONVENTION AND TO EXTEND THIS EXEMPTION TO COVER AIRCRAFT.

7. IN CONCLUDING, U.S. REP STRESSED THE NEED FOR SUBSTANTIAL PROGRESS AT GENEVA. THE U.S. BELIEVES THE GENEVA MEETING MUST BE A NEGOTIATING SESSION. A MINIMAL REQUIREMENT WULD BE AGREEMENT AT LEAST AT COMMITTEE LEVEL IN COMMITTEE II ON A PACKAGE OF KEY ARTICLES REGARDING THE BREATH OF THE TERRITORIAL SEA, UNIMPEDED TRANSIT OF STRAITS, THE ECONOMIC ZONE, MARINE POLLUTION, AND POSSIBLY ALL ISSUES RELATING TO COMMITTEE III WORK AS WELL. WE MUST ALSO ENSURE AGREEMENT IN COMMITTEE I ON OVERALL INTER-RELATED ISSUES REGARDING THE DEEP SEABED.

8. THEODOROPOULOS (GREECE) REVINDED COUNCIL HE HAD ATTENDED CARACAS CONFERENCE AND COULD AGREE COMPLETELY WITH U.S. REP'S SUGGESTIONS, ESPECIALLY THE NEED TO MOVE INTO A NEGOTIATING

STAGE AND TO START DRAFTING PRECISE FORMULATIONS. HE HAD BEEN IMPRESSED BY THE POLITICL VIEWPOINTS WHICH EMERGED AT CARACAS. THE SOVIETS, FOR EXAMPLE, DEALT WITH THE ISSUES IN A STRICTLY PRAGMATIC WAY BASED ON THEIR NEEDS AS THEY SEE THEM. IN SOME AREAS, SUCH AS STRAITS, SOVIET POSITIONS WERE QUITE CLOSE TO THOSE OF THE U.S. , CHINA, AND ON THE OTHER HAND, SHOWED LITTLE INTEREST IN MOST ISSUES ASIDE FROM THEIR PROGAGANDA VALUE. CHINA WAS ABLE TO EXERT A GREAT DEAL OF INFLUENCE ON THIRD WORLD NATIONS, ESPEICALLY WHEN CHINA COULD POINT TO AREAS
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WHERE THE INTEREST OF THE TWO SUPER POWERS MIGHT CONFLICT WITH THOSE OF SMALL, NON-ALIGNED NATIONS.

9. THEODOROPOULOS NOTED THAT NATIONS TENDED TO LINE UP MORE ON THE BASIS OF GEOGRAPHY THAN ON TRADITIONAL LINES FOLLOWED IN THE UN. LOS BARGAINING WILL CONTINUE TO DEVIATE FROM TRADITIONAL PATTERNS. THE MOST IMPORTANT ISSUES ARE STRAITS, THE ECONOMIC ZONE, AND THE SCOPE OF INTERNATIONAL AUTHORITY TO ENFORCE LAWS OF THE SEA. ALL NATO COUNTRIES MAY NOT BE ABLE TO DEVELOP COMMON POSITIONS ON ALL SUBJECTS, BUT THEY SHOULD RECOGNIZE IT IS IN NATO'S INTEREST TO PREVENT ANARCHY OR "LAWLESSNESS" OF THE SEAS. HE CALLED FOR A COMMON APPROACH TO THIS BASIC TENET.

10. GREEK LOS REP (TOULOUPAS) FOLLOWED WITH THE CAUTION THAT THE NUMBERS OF NATIONS AND COMPLEX PROBLEMS WILL MAKE THE GENEVA CONFERENCE DIFFICULT. NEVERTHELESS, THE GREEK DELEGATION WILL BE GUIDED BY A SPIRIT OF COOPERATION AND FOLLOW BASIC GUIDELINES INCLUDING: (1) AVOID RESTRICTIONS ON FREEDOM OF NAVIGATION; (2) STRIVE FOR PRECISE LANGUAGE WHICH WILL LEAVE LITTLE ROOM FOR DIVERGING INTERPRETATION THAT COULD LEAD TO CONTROVERSY OR DISPUTE; AND (3) NEW TECHNOLOGY AND ECONOMIC PROSPECTS SHOULD NOT LEAD US AWAY FROM ESTABLISHED INTERNATIONAL LAWS SUCH AS EQUALITY OF STATES AND INDIVISIBILITY OF TERRITORIAL SOVEREIGNTY.

11. TURKISH REP (YOLGA) ASKED COUNCIL TO CONSIDER MILITARY IMPLICATIONS OF LOS AND EXPRESSED HIS COUNTRY'S VIEW THAT NATO MEMBERS MUST DEOMNSTRATE FULL SOLIDARITY ON MILITARY ASPECTS OF ANY NEW ARRANGEMENTS. CARACAS HAD PRODUCED NO TANGIBLE RESULTS AND GENEVA SHOULD LEAD TO SERIOUS NEGOTIATIONS. A PACKAGE DEAL WAS AN ESSENTIAL INGREDIENT FOR AN ACCEPTABLE SOLUTION AND TURKEY'S POSITION ON THE CONTENTS OF THIS PACKAGE WAS WELL KNOWN. IN PARTICULAR, THE GENEVA CONFERENCE MUST TAKE INTO ACCOUNT THE GEOGRAPHICAL DIVERSITY OF NATIONS. THE "LIMITS PACKAGE" MUST BE PREPARED WITH GREAT CARE. OTHERWISE, ANY ATTEMPT TO APPLY RULES WILL ONLY LEAD TO FRICTION. BOARD INTERPRETATIONS WILL LEAD TO DIFFERENCES AND CONFLICTS.

12. CHAIRMAN OF THE MILITARY COMMITTEE ADMIRAL SIR PETER HILL-NORTON NOTED THAT MILITARY IMPLICATIONS ARE ONLY ONE ASPECT OF LOS CONFERENCE BUT MUST BE OF MAJOR IMPORTANCE TO MEMBERS OF THE ALLIANCE. ECONOMIC INTERESTS MAY CONFLICT WITH MILITARY

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INTERESTS. HOWEVER, IF CONFLICT EXISTS, NATO SHOULD IDENTIFY THESE DIFFERENCES AND DEVELOP AN ALLIANCE POSITION. TO ISSUES OF OBVIOUS MILITARY IMPORTANCE, SUCH AS TERRITORIAL ZONE, ECONOMIC ZONE AND STRAITS, WE SHOULD ADD OVERFLIGHTS WHICH HAVE A DIRECT RELATIONSHIP TO MILITARY USE OF THE SEA. THE PRESENT LOS SITUATION IS NOT SATISFACTORY AND NATO HAS A DISTINCT INTEREST IN IMPROVING IT. FOR EXAMPLE, ESTABLISHING A 12 MILE TERRITORIAL LIMIT IS IN THE ALLIANCE'S INTEREST BUT NATIONS MUST FULLY OBSERVE THIS LIMIT AND RELATED AGREEMENTS. SOME NATIONS NOW OBSERVING THE 12 MILE LIMIT DO NOT HONOR THE RIGHT OF INNOCENT PASSAGE.

13. UK REP (JACKLING) NOTED THE DANGER TO ALLIANCE INTERESTS FROM THE CONCEPT OF AN EXTENDED ECONOMIC ZONE, WHICH INCREASINGLY LOOKS LIKE A 200 MILE TERRITORIAL SEA, RATHER THAN A 200 MILE RESOURCE ZONE.

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USMISSION GENEVA

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LIMDIS

IF COASTAL STATES OBTAIN A LIMITED RIGHT TO RESOURCES IN THE 200 MILE AREA, THE DANGER WILL BE MUCH LESS. THERE WAS SOME DISCUSSION AT CARACAS OF A POSSIBLE SPECIAL REGIME FOR ENCLOSED OR SEMI-ENCLOSED SEAS. THIS IS A DANGEROUS AND USELESS CONCEPT, WHICH WOULD EXTEND THE JURISDICTION OF COASTAL STATES IN A STRATEGICALLY IMPORTANT WAY. IT IS IN THE ALLIANCE INTEREST TO OPPOSE THIS IDEA.

14. UK REP SAID THAT PASSAGE THROUGH STRAITS IS LIKELY TO BE ONE OF THE MOST DIFFICULT ISSUES, AND ONE OF PARAMOUNT DEFENSE IMPORTANCE. THE UK GAVE GREAT THOUGHT TO THIS ISSUE, CONSULTED WIDELY ON IT, AND AT THE BEGINNING OF CARACAS SESSION TABLED
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DRAFT ARTICLES REPRESENTING WHAT THE UK CONSIDERED THE BEST POSSIBLE COMPROMISE. THE UK WAS NOT ABLE TO FIND CO-SPONSORS TO THESE ARTICLES WHICH DEMONSTRATED THEY WERE A GENUINE COMPROMISE. THE ALLIES SHOULD LOOK AGAIN AT THESE ARTICLES TO SEE IF THEY CAN DISCREETLY ACCEPT THEM AND PROMOTE THEM IN CONVERSATIONS WITH OTHER DELEGATIONS. UK REP ALSO NOTED THE IMPORTANCE FROM A DEFENSE VIEWPOINT OF PREVENTING SERIOUS RESTRICTIONS ON THE FREEDOM OF SCIENTIFIC RESEARCH.

15. FRG REP (KNOKE) SAID HE LARGELY SHARED VIEWS OF U.S. REP. REGARDING MILITARY ASPECTS OF LOS, ALLIES SHOULD STAY TOGETHER AS MUCH AS POSSIBLE. FRG IS PARTICULARLY INTERESTED IN STRAITS QUESTION FROM THE STANDPOINT THAT THE 12 MILE TERRITORIAL SEA NOT CAUSE THE CADET CHANNEL TO BECOME A STRAIT AND A TERRITORIAL SEA OF THE GDR. IN THE CONTEXT OF THE UK DRAFT, THE FRG WILL CONTINUE TO MAINTAIN THAT A SMALL AREA OF THE CHANNEL REMAINS HIGH SEAS. IF ALLIED VESSELS ONLY HAD THE RIGHT OF INNOCENT PASSAGE THROUGH THE CADET CHANNEL, THE GDR WOULD HAVE A SAY ABOUT MOVEMENTS INTO THE BALTIC. THE FRG NEEDS SUPPORT ON THIS. PERHAPS THE UK COULD REVIEW ARTICLE VIII, CHAPTER 3 WITH A VIEW TO MAKING CERTAIN AN OUTCOME COVERING THE FRG VIEW. FRG REP SAID ALL FREEDOMS CONTAINED IN THE GENEVA CONVENTIONS, E.G., FREEDOM OF NAVIGATION AND OVERFLIGHT, SHOULD CONTINUE IN THE TERRITORIAL SEA. SCIENTIFIC RESEARCH SHOULD REMAIN AS FREE AS POSSIBLE. WHILE THE USUAL GROUPINGS DID NOT PLAY THE SAME ROLE AT LOS AS AT MANY OTHER CONFERENCES, THE ALLIES NEED TO MAINTAIN SOLIDARITY.

16. NORWEGIAN REP (VINDENES) SAID HE WANTED TO EMPHASIZE THE IMPORTANCE OF MAINTAINING THE BEST CONDITIONS FOR NAVIGATION IN ACCORDANCE WITH THE NEEDS OF THE ALLIANCE. HE SAW NO NEED TO STRESS THE IMPORTANCE OF ALLIANCE CONSIDERATIONS, SINCE THAT WAS "WHY WE ARE HERE". ON NAVIGATION, THE QUESTION WAS WHETHER THE ECONOMIC ZONE HAS THE STATUS OF HIGH SEAS. NORWEGIAN POSITION IS THAT IT DOES, ALTHOUGH NORWAY WOULD NOT INSIST ON USING THE TERM "HIGH SEAS". THE POWERS OF COASTAL STATES MUST BE LIMITED, LEAVING RESIDUAL RIGHTS TO INTERNATIONAL COMMUNITY. THESE RIGHTS MUST INCLUDE FREEDOM OF NAVIGATION, OVERFLIGHT, AND LAYING OF

CABLES.

17. ON MILITARY IMPLICATIONS OF THE ECONOMIC ZONE, NORWEGIAN REP
SAID GOVERNMENT FAVORS FORMULATIONS WHICH WOULD NOT INCLUDE ALL
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CATEGORIES OF INSTALLATIONS AS SUBJECT TO COASTAL STATE AUTHORIZATION. THIS IS IMPORTANT FOR ARMS CONTROL PURPOSES. ON THE TERRITORIAL SEA, HE SAID THE PROBLEM WAS THE SCOPE OF THE RIGHT OF INNOCENT PASSAGE. WHAT IS NEEDED IS A FORMULATION WHICH ACCEPTS THE RESTRICTIONS OF THE 1958 GENEVA ACCORD, AND NORWAY WAS PREPARED TO ACCEPT ADDITIONAL RESTRICTIONS, E.G., ON POLLUTION. BUT NORWAY DID NOT WISH PRESCRIPTIVE REGULATIONS ON HOW SHIPS WOULD BE CONSTRUCTED AND EQUIPPED. THE EXTENT TO WHICH RESTRICTIONS ARE CRITICAL FOR ECOLOGICAL REASONS IS OPEN TO NEGOTIATION, AS IS THE QUESTION OF SUBSEQUENT INTERNATIONAL REVIEW. THIS PROBLEM ALSO RELATED TO THE ECONOMIC ZONE.

18. NORWEGIAN REP STATED WITH RESPECT TO ENFORCEMENT POWERS THAT COASTAL STATES SHOULD HAVE CERTAIN LIMITED POWERS, ESPECIALLY REGARDING SHIPS ENTERING PORT. HE AGREED THAT A SPECIAL REGIME WAS NEEDED TO ESTABLISH RIGHT OF TRANSIT THROUGH STRAITS. HE WAS AWARE OF SECURITY IMPLICATIONS, WHICH MUST BE TAKEN INTO ACCOUNT. NORWAY HAS AN INTEREST IN A MEASURE OF CONTROL ON SCIENTIFIC RESEARCH.

19. BELGIAN REP (VAN DER ESSEN) SAID AGREED ENTIRELY WITH U.S. REP AND WOULD BE HAPPY IF EVERYTHING HE WISHED CAME TRUE, BUT REALISM INDICATED IT MIGHT NOT. FREEDOM OF NAVIGATION WAS VERY IMPORTANT TO BELGIUM, SINCE EXTENSION OF NATIONAL JURISDICTION, E.G., ON POLLUTION, COULD CUT OFF PORTS LIKE ANTWERP. IT WAS ALSO IMPORTANT TO MAINTAIN FREEDOM OF TRANSIT THROUGH STRAITS. GIBRALTAR WAS OBVIOUSLY OF FUNDAMENTAL COMMERCIAL AND MILITARY IMPORTANCE.

20. BELGIAN REP SAID THAT 1958 CONVENTION, IN PROVIDING FOR RIGHT OF INNOCENT PASSAGE, SAID THAT SUBMARINES SHOULD PASS THROUGH STRAITS ON THE SURFACE, SO SUBMERGED PASSAGE WOULD LOOK LIKE STEP BACKWARD. THE ALLIES MIGHT WISH THE RIGHT OF SUBMERGED PASSAGE, PARTICULARLY IN THE CASE OF NUCLEAR SUBMARINES. BUT THEY MUST BE REALISTIC. IT MIGHT NOT BE POSSIBLE FOR LOS CONFERENCE TO AGREE ON SUBMERGED PASSAGE. IT MIGHT ALSO NOT BE POSSIBLE TO OBTAIN MAJORITY SUPPORT FOR PLACING OF DETECTION DEVICES ON THE CONTINENTAL SHELF. IF COASTAL STATES HAVE THE RIGHT TO RESEARCH AND TO EXPLOIT RESOURCES ON THE CONTINENTAL SHELF, DETECTION DEVICES COULD HINDER THIS, AND COASTAL STATES WOULD PROBABLY WANT TO KNOW WHERE SUCH DEVICES WERE.
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21. BELGIUM DID NOT ACCEPT THE IDEA OF AN EXCLUSIVE ECONOMIC

AREA, ESPECIALLY A 200-MILE ONE. SUCH A ZONE IS NOT IN BELGIUM'S INTEREST. IT WOULD LEAD QUICKLY TO A 200-MILE TERRITORIAL SEA, WHICH WOULD HAVE SERIOUS REPERCUSSIONS ON MILITARY ACTIVITIES. REGARDING POLLUTION, WESTERN COUNTRIES NEED TO SEE IF SOME COMPROMISE IS POSSIBLE, E.G., MAKING NAVAL SHIPS RESPONSIBLE FOR POLLUTION THEY MIGHT CAUSE. EXCLUSION OF NAVAL SHIPS FROM SUCH RESPONSIBILITY WOULD CREATE PROBLEMS WITH THE THIRD WORLD. BELGIUM WOULD LIKE MAXIMUM FREEDOM OF SCIENTIFIC RESEARCH, BUT THIRD WORLD COUNTRIES ARE LIKELY TO SEE MILITARY UNDERTONES. IT IS NECESSARY TO CONVINCE THEM THAT COASTAL STATES WILL BENEFIT DIRECTLY FROM RESULTS OF SUCH RESEARCH. (COMMENT: VAN DER ESSEN APPEARED TO BE TALKING WITHOUT FULL REFLECTION ON ISSUES. BELGIAN MILITARY REP QUIETLY DISMISSED HIS STATEMENT IN DISCUSSION WITH ADMIRAL MORRIS.)

22. TURKISH REP INTERVENED TO TAKE EXCEPTION TO THE UK POSITION

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LIMDIS

THAT THERE NEED NOT BE SPECIAL REGIME FOR SEMI-ENCLOSED STATES. HE NOTED THAT AT CARACAS THE ALGERIANS TABLED DRAFT ARTICLE ON REGIME

FOR COASTAL STATES IN SEMI-ENCLOSED SEAS. THE ALGERIAN CONCERN WAS NATURALLY WITH GIBRALTAR AND IT WAS A CONCERN SHARED BY OTHER COASTAL MEDITERRANEAN COUNTRIES. THEY WERE IN A BOTTLE AND THE CORK WAS CONTROLLED BY TWO STATES. NO ONE KNEW WHAT REGIMES SPAIN AND MOROCCO MIGHT HAVE IN THE FUTURE. MEDITERRANEAN STATES COULD NOT LEAVE DECISIONS ON THEIR ACCESS TO THE OCEAN IN THE HANDS OF MADRID AND RABAT. IRAQ AND IRAN HAD ALSO MADE A PROPOSAL REGARDING FREE TRANSIT OF STRAITS CONTROLLED BY ONLY TWO STATES, AND THIS PROPOSAL MERITED STUDY.

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23. TURKISH REP EXPRESSED HOPE THAT SEMI-ENCLOSED COASTAL STATES WOULD BE ABLE TO DISCUSS AMONG THEMSELVES HOW SEA AND SEABED ECONOMIC RESOURCES AVAILABLE TO THEM SHOULD BE USED. SUCH CONSULTATIONS WOULD CERTAINLY NOT BE AGAINST ALLIES' INTEREST. TURKEY FACED LIMITS OF SEMI-ENCLOSED AND NARROW SEAS AND THUS TURKEY'S POSITION COULD NOT BE COMPARED WITH THAT OF STATES FACING OPEN SEAS. THOSE STATES WERE COMPLETELY FREE TO DECIDE TO EXTEND CLAIMS UP TO 200 MILES. BUT IN THE BLACK SEA, THE MEDITERRANEAN, AND THE AEGEAN, THIS WAS NOT POSSIBLE. THE 1958 LOS CONVENTION HAD CLEARLY RECOGNIZED THE SPECIAL SITUATION OF SEMI-ENCLOSED STATES IN REFERENCE TO COUNTRIES FACING EACH OTHER. THIS REFERENCE WAS OBVIOUSLY NOT RELEVANT TO OCEAN STATES BUT ONLY TO SEMI-ENCLOSED STATES. IN EMPHASIZING THESE POINTS TURKEY DID NOT WISH TO UNDERCUT ALLIANCE INTERESTS. HOWEVER, THE SOVIETS HAD SHOWN SOME UNDERSTANDING IN DISCUSSIONS WITH THE TURKS OF THE SPECIAL PROBLEMS OF SEMI-ENCLOSED STATES. THE SOVIETS, FOR EXAMPLE, TOLD THE TURKS THAT ONE OF SEVERAL COUNTRIES BORDERING A SEA SHOULD NOT CONTROL THE ENTIRE SEA. THE SOVIETS APPEARED TO UNDERSTAND THE NEED TO ACCORD SOME FREEDOM TO ALL SEMI-ENCLOSED STATES RATHER THAN SIMPLY GRANTING SPECIAL RIGHTS TO SOME.

24. CANADIAN REP (BEESLEY) REVIEWED RECENT LOS DEVELOPMENTS AND SAID WE MUST KEEP IN MIND THAT ON SOME ISSUES IDEAL SOLUTIONS FOR THE ALLIANCE MAY NOT BE ATTAINABLE. WE MUST CONCENTRATE ON WHAT WE CAN REALISTICALLY ACHIEVE AT GENEVA. THERE ARE TWO DANGERS: A NEW SYSTEM OF LOS MAY DEVELOP CONTRARY TO ALLIANCE INTERESTS, AND THE LOS CONFERENCE MAY FAIL, LEAVING A CHAOTIC SITUATION. IF WE DON'T MAKE PROGRESS AT GENEVA, GOVERNMENTS MAY TAKE UNILATERAL ACTIONS WHICH WILL DEFEAT THE POSSIBILITY OF NEGOTIATED SOLUTIONS. AFTER THE FIRST THREE WEEKS OF THE GENEVA CONFERENCE THERE MAY BE GROWING PRESSURE FOR VOTING. VOTING OBVIOUSLY COULD ENDANGER ALLIED INTERESTS. WHILE IT IS UNLIKELY ARRANGEMENTS COULD BE WORKED OUT FOR "CONTROLLED VOTING", SUCH VOTING, IF ACHIEVED, COULD CONTRIBUTE TO PROGRESS.

25. CANADIAN REP SAID HE HAD POINTED OUT DURING 1974 NAC CONSULTATIONS THAT MEXICO MIGHT INTRODUCE A PROPOSAL REGARDING SEABED DEMILITARIZATION. THE MEXICANS DID SO AT CARACAS. THEIR PROPOSAL WAS LOOSELY CONSTRUCTED AND COULD APPLY NOT ONLY TO THE SEABED BUT ALSO TO THE WATER COLUMN. THE MEXICAN PROPOSAL HAS

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ADVERSE IMPLICATIONS FOR SOSUS. AT GENEVA THE ALLIES SHOULD ARGUE THAT THE CCD AND NOT THE UN LOS CONFERENCE IS THE PROPER FORUM FOR CONSIDERING SEABEDS ARMS CONTROL. HOWEVER, WE CANNOT POINT TO RECENT PROGRESS IN THE CCD ON SEABEDS AND UNLESS WE CAN THERE MAY BE REAL PRESSURE FOR CERTAIN MILITARY RESTRICTIONS IN THE LOS CONFERENCE. CANADA HAD MADE A UNILATERAL DECLARATION OF INTERPRETATION REGARDING THE SEABED ARMS CONTROL TREATY IN ORDER TO PROTECT CANADA AGAINST POSSIBLE ACTIVITIES BY PARTIES TO THAT TREATY ON THE CANADIAN CONTINENTAL SHELF. CANADA WOULD NOT LIKE TO STRADDLE THIS ISSUE IN THE LOS CONFERENCE AND THEREFORE HAD A PARTICULAR INTEREST IN KEEPING THIS SUBJECT IN THE CCD.

26. CANADIAN REP SAID CANADA REGARDS THE ECONOMIC ZONE AS A NEW CONCEPT LYING SOMEWHERE BETWEEN THE CONCEPTS OF HIGH SEAS AND OF TERRITORIAL WATERS. IT PARTAKES OF SOME OF THE ELEMENTS OF BOTH. CANADA CONSIDERS IT IMPERATIVE TO ESTABLISH A PRECISE REGIME FOR THE ECONOMIC ZONE AND ALSO TO ESTABLISH CERTAIN SAFEGUARDS. THE CONCEPT OF RESIDUAL RIGHTS WAS THE KEY TO THE SOLUTION OF THIS ISSUE. BUT WE SHOULD BE CAUTIOUS ABOUT REFERRING TO RESIDUAL RIGHTS AS EQUIVALENT TO HIGH SEAS RIGHTS. SUCH REFERENCES WERE PSYCHOLOGICAL RED FLAG FOR THE THIRD WORLD AND WOULD ENCOURAGE SOME COUNTRIES TO TAKE A TERRITORIAL SEA APPROACH TO THE ECONOMIC ZONE.

27. CANADIAN REP WAS NOT SURE WHAT THE INDIANS HAD IN MIND IN ADVANCING THEIR CONTIGUOUS ZONE PROPOSAL. HOWEVER, IT MIGHT BE NECESSARY TO ACCOMMODATE DESIRES FOR A CONTIGUOUS ZONE IN ORDER NOT TO PROVOKE MORE EXAGGERATED PROPOSALS. PROVISION FOR A CONTIGUOUS ZONE MUST BE PRECISE AND INCORPORATE NECESSARY SAFEGUARDS.

28. CANADIAN REP BELIEVED THE BELGIAN REP WAS RIGHT IN WARNING ABOUT A TREND AMONG THIRD WORLD COUNTRIES TO SUPPORT COASTAL STATE CLAIMS TO REGULATE POLLUTION AND SCIENTIFIC RESEARCH. HE ADVISED CAUTION AND ACCOMMODATION IN THIS AREA SO AS NOT TO PRECIPITATE VOTING WHICH COULD HARM ALLIANCE INTERESTS. WITH REGARD TO THE PROBLEM OF SPECIAL OR VULNERABLE AREAS IN THE ECONOMIC ZONE, CANADIAN REP WAS NO LONGER SO CONCERNED AS HE HAD BEEN LAST YEAR THAT THIS ISSUE WOULD BE DIVISIVE WITHIN THE ALLIANCE. RECENT CONSULTATIONS POINTED TOWARD THE BEGINNING OF
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A BALANCED SOLUTION TO COASTAL STATE REGULATIONS AND RIGHTS OF TRANSIT.

29. WITHIN THE TERRITORIAL SEA, CANADIAN REP THOUGHT IT ONLY REALISTIC TO BE AWARE THAT THE CONCEPT OF INNOCENT PASSAGE WOULD BE REDEFINED, OR A NEW CONCEPT DEVELOPED, TO ENSURE A BALANCE

BETWEEN COASTAL STATE RIGHTS AND RIGHT OF TRANSIT. IT WOULD NOT BE EASY AT GENEVA TO WORK OUT A NEW BALANCE. HOWEVER, WITH PERSEVERANCE A CONSENSUS COULD BE ACHIEVED IN THIS AREA.

30. CANADIAN REP RECOGNIZED THAT CANADIAN SUPPORT FOR A PLENITUDE OF COASTAL STATE RIGHTS ALARMED SOME MEMBERS OF THE ALLIANCE. CANADA BELIEVED THESE RIGHTS SHOULD BE SUBJECT TO THE TEXT OF REASONABLENESS THROUGH THIRD PARTY ADJUDICATION

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AMEMBASSY TOKYO

USMISSION GENEVA

USMISSION UN

USEC BRUSSELS

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AND THAT COUNTRIES SHOULD WORK OUT A SPECIFIC LEGAL FRAMEWORK TO COVER THE GRAY AREAS IN COASTAL AND TRNSIT RIGHTS. WE SHOULD NOT LEAVE THIS PROBLEM TO DEVELOPMENT OF STATEPRACTICE SINCE THIS COULD LEAD TO CREEPING ASSERTION OF ADDITIONAL RIGHTS IN THE ECONOMIC ZONE.

31. CANADIAN REP SAID HE WOULD AGREE WITH A U.S. CONGRESSIONAL REPORT THAT THERE APPEARED TO BE A DEVELOPING TREND TOWARD UNFETTERED PASSAGE OF INTERNATIONAL STRAITS. HOWEVER, THERE WAS RSISTANCE TO THIS CONCEPT ON THEPART OF SOME COUNTRIES

REGARDING CERTAIN CRUCIAL STRAITS. SIGNIFICANT ISSUES FOR CANADA
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WERE STRAITS CONNECTING HIGH SEAS TO THE TERRITORIAL SEA AND THE NORTHWEST PASSAGE WHICH HAS NOT CONSISTENTLY BEEN USED FOR INTERNATIONAL TRANSIT. CANADA HOPED THIS PASSAGE WOULD BE DEVELOPED FOR "SAFE" TRANSIT BUT THIS PROSPECT MADE IT DIFFICULT FOR CANADA TO SUPPORT UNFETTERED TRANSIT FOR ALL STRAITS WHICH OTHER STATES MIGHT WISH TO CALL INTERNATIONAL. ALTHOUGH IT NOW SEEMED UNLIKELY A CONSENSUS COULD BE REACHED AT GENEVA ON STRAITS, THE ALLIES MUST BE PREPARED FOR REAL NEGOTIATING ON THIS ISSUE.

32. CANADIAN REP COMMENTED THAT THE CANADIAN POSITION ON STRAITS WAS ANALOGOUS TO THAT OF THE USSR. THE SOVIETS BELIEVED TRANSIT OF STRAITS SHOULD BE UNFETTERED IN STRAITS FAR AWAY FROM THE USSR BUT NOT IN STRAITS CLOSE TO HOME. THE USSR WOULD NEVER AGREE TO A SOLUTION TO THE STRAITS PROBLEM WHICH WOULD OPEN WATERS THE SOVIETS REGARD AS CLOSED. THE ALLIES MUST HANDLE THIS PROBLEM IN A WAY WHICH AVOIDS CONFLICT SINCE THIRD WORLD COUNTRIES WOULD NOT ACCEPT ONE RULE FOR THE STRONG AND ANOTHER FOR THE WEAK. AS TO ARCHIPELAGOES, INDIAN INSISTENCE ON PUTTING FORWARD PROPOSALS ON THIS SUBJECT HAD CREATED A PROBLEM FOR CANADA. CANADA HAD TO GO ALONG WITH THE INDIANS BECAUSE OF PUBLIC AND PARLIAMENTARY INTEREST IN THE APPLICATION OF THE ARCHIPELAGO CONCEPT TO THE CANADIAN ARCTIC. WHILE ARCHIPELAGOES WOULD NOT POSE A GENERAL PROBLEM FOR THE ALLIANCE THEY COULD POSE A DIFFICULT ISSUE FOR INDIVIDUAL ALLIANCE MEMBERS IF NO SOLUTION IS FOUND.

33. CANADIAN REP SAID HE WAS NOT PESSIMISTIC REGARDING PROSPECTS AT GENEVA. BECAUSE OF THE MANY ISSUES INVOLVED, ALL COUNTRIES HAD SOME INTEREST IN NEGOTIATED SOLUTIONS. IF SIGNIFICANT PROGRESS COULD BE REACHED AT GENEVA, COUNTRIES MIGHT BE MORE PATIENT IN PERMITTING THE LOS CONFERENCE TO MOVE AHEAD AND LESS INCLINED TO RESORT TO UNILATERAL ACTION. THE OVERALL INTEREST OF THE ALLIANCE WOULD BE BEST SERVED BY PATIENT AND SUSTAINED EFFORT TOWARD NEGOTIATED SOLUTIONS FOR LOS ISSUES.

34. DE ROSE (FRANCE) SAID THE COUNCIL SHOULD SEEK TO DEVELOP COMMON VIEWS OR A CONSENSUS CONCERNING HOW LAWS OF THE SEA CAN JEOPARDIZE OUR SECURITY. HE THEN INTRODUCED FRENCH REP (LADREIT DE LACHARRIERE) WHO POINTED TO SEVERAL DANGERS LYING AHEAD IN NEGOTIATIONS. FIRST, THERE IS A HOSTILE TREND AMONG THIRD WORLD NATIONS WHICH MIGHT RESTRICT FREEDOM OF THE SEAS. THESE
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COUNTRIES FEEL THAT IF SUCH FREEDOM IS GOOD FOR LARGE POWERS, IT IS DETRIMENTAL TO SMALLER, NON-ALIGNED NATIONS. A SECOND RISK IS THE PSEUDO-PARLIAMENTARIAN ATMOSPHERE OF THE GENEVA FORUM WHERE NATO NATIONS REPRESENT ONLY TEN PERCENT OF THE TOTAL.

THERE COULD BE A GENUINE THREAT TO SECURITY SHOULD THE CONFERENCE ADOPT VOTING PROCEDURES. A THIRD RISK EXISTS IN THE POSSIBILITY OF A VICTORY BY "TERRITORIALISTS", THAT IS, COUNTRIES WISHING TO EXPAND TERRITORIAL WATERS BEYOND 12 MILES. EVEN CANADA HAS TALKED OF GOING TO 150 MILES (SIC) AND NO COUNTRY HAS RETURNED TO A 12 MILE LIMIT AFTER PREVIOUS ASSERTIONS TO THE CONTRARY.

35. FRENCH REP ALSO WARNED THAT THE INTERNATIONAL BODY MIGHT GAIN GENERAL JURISDICTION OVER THE SEABEDS. THIS BODY, FORMED ALONG THE LINES OF A UN COMMITTEE, WILL TEND TO ESTABLISH ITS OWN REGULATIONS AND WILL HAVE VERY LITTLE SYMPATHY FOR MILITARY USE OF SEABEDS. THIS BODY PRESENTS A THREAT TO THE ALLIANCE WHICH SHOULD BE WARY OF THE DEGREE OF AUTHORITY GIVEN TO A GOVERNING ORGANIZATION DOMINATED BY THIRD WORLD NATIONS. ALLIANCE NATIONS SHOULD BE VIGILANT AND MAKE THE BEST OF A DIFFICULT SITUATION WHERE WE CANNOT EXPRESS OURSELVES EXPLICITLY CONCERNING MANY MILITARY USES OF THE SEA. IN CONCLUSION, FRENCH REP SAID ALLIANCE SHOULD OUTLINE POINTS OF REFUSAL, THAT IS, NOT HOW FAR WE CAN GO BUT WHAT POINTS ARE NOT SUBJECT TO NEGOTIATION.

36. REFERRING TO AN EARLIER COMMENT BY BELGIAN REP, U.S. REP STATED HIS VIEW THAT WE CAN AND WILL MAINTAIN THE RIGHT FOR SUBMERGED TRANSIT OF STRAITS. AT CARACAS MORE NATIONS SPOKE IN FAVOR OF UNIMPEDED TRANSIT THAN FOR INNOCENT PASSAGE AND ONLY A LIMITED NUMBER OF STATES, PRIMARILY THOSE BORDERING ON STRAITS, HAVE A REAL PROBLEM IN THIS AREA. A SOLUTION TO ALLOW UNIMPEDED TRANSIT IS POSSIBLE WITHIN A RELATIVELY SHORT TIME, WHICH WOULD LEAVE ONLY TWO OR THREE STRAIT NATIONS OPPOSING UNIMPEDED TRANSIT. UNIMPEDED TRANSIT IS NECESSARY TO MAINTAIN SECRECY OF MOVEMENTS OF FLEET BALLISTIC MISSILE AND ATTACK SUBMARINES. IN ADDITION, ACCEPTING ANY DISTINCTION BETWEEN MILITARY AND COMMERCIAL VESSELS COULD LEAD TO POSSIBLE RESTRICTIONS ON COMMERCIAL CARRIERS INVOLVED, FOR EXAMPLE, IN MOVEMENT OF ENERGY SUPPLIES. THE UNITED STATES CANNOT BE A PARTY TO A TREATY WITHOUT UNIMPEDED TRANSIT, INCLUDING SUBMERGED TRANSIT. THIS IS A STATEMENT U.S. HAS MADE REPEATEDLY AND WITH CARE. U.S. REP EXPRESSED CONFIDENCE THAT UNIMPEDED TRANSIT WILL BE PART OF THE PACKAGE IN COMMITTEE II.

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37. U.S. REP THEN REFERRED TO EARLIER COMMENTS CONCERNING A STRAITS SOLUTION WHICH WOULD ALLOW PREFERENTIAL TREATMENT FOR STATES BORDERING AN ENCLOSED SEA CONTROLLED BY A STRAIT. HE INDICATED WE SHOULD NOT ACCEPT ANY FORM OF PREFERENTIAL SOLUTION IN THIS SITUATION. FOR EXAMPLE, THE PERSIAN GULF AND THE RED SEA ARE AREAS OF SPECIAL IMPORTANCE TO THE ALLIANCE AND SPECIAL RULES COULD ONLY LEAD TO AN UNSATISFACTORY SOLUTION POTENTIALLY CUTTING OFF ALLIANCE ACCESS TO CRITICAL ENERGY SUPPLIES. U.S. REP ALSO POINTED OUT THE DEEP SEABED REGIME WILL BE THE SUBJECT OF DIFFICULT NEGOTIATIONS ON RESOURCE ISSUES. THE U.S., HOWEVER, FEELS IT IS IMPORTANT TO LIMIT THIS ISSUE ONLY TO USE OF SEABED RESOURCES.

38. U.S. LOS EXPERT, RADM MAX MORRIS, JCS, NOTED THE ALLIANCE HAS

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FUNDAMENTAL SECURITY INTERESTS IN LOS ALTHOUGH ECONOMIC CONSIDERATIONS ARE SOMETIMES GIVEN MORE VISIBILITY. ESTABLISHMENT OF AN ECONOMIC ZONE, BY THATEVER NAME, MUST ALLOW CONTINUED USE OF THE SOUNND SURVEILLANCE SYSTEM (SOSUS) WHICH IS OF CRITICAL IMPORTANCE TO THE SECURITY OF THE UNITED STATES AND THE ALLIANCE. ADMIRAL MORRIS NOTED THAT SOSUS TAKES ADVANTAGE OF SOUND WAVES TRAVELLING THROUGH THE DEEP SOUND CHANNEL. SOSUS CONSISTS OF PASSIVE ELEC-TRONIC "EARS" WHICH MUST BE INSTALLED ON THE SLOPES OF CONTINENTAL SHELVES OR SEAMOUNTS AT A DEPTH OF BETWEEN 300 AND 1700 METERS. THIS DEPTH IS SELECTED TO TAKE ADVANTAGE OF THE DEEP SOUND CHANNEL, AND THE LOCATIONS OF THE SOSUS SITES ARE IN MANY PLANCES WITHIN

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200 MILES OF A COASTLINE,. THEREFORE, ANY LAW OF THE SEA AGREEMENT MUST CONTAIN ARTICLES WHICH PRESERVE THE PRESENT RIGHT TO PLACE

SOSUS EQUIPMENT.

39. ADMIRAL MORRIS NOTED THAT THIS EQUIPMENT IS JUST EQUIPMENT; IT IS NOT A WEAPONS SYSTEM, NOR IS IT A WEAPON. WE HAVE BEEN CAREFUL IN OUR DRAFTING TO DATE AND THOSE NATIONS REPRESENTED IN THE COUNCIL HAVE HELPED PROTECT THE RIGHT TO MAINTAIN SOSUS EQUIPMENT, AN ESSENTIAL INGREDIENT IN THE DELICATE EQUATION BY WHICH WE MAINTAIN A MILITARY EDGE OVER THE SOVIETS. IF WE LOST SOSUS, EITHER THROUGH TREATY OR SABOTAGE, WE WOULD LOSE MUCH OF OUR ABILITY TO TRACK SOVIET SUBMARINES. THE SOVIETS DO NOT HAVE A SOSUS SYSTEM BUT ARE WORKING TO DEVELOP ONE. IF THEY DO, THEY WILL CANNOT MATCH NATO'S ADVANTAGEOUS GEOGRAPHY. ADMIRAL MORRIS SUGGESTED THAT WE NOT FLAG THE ISSUE, BUT INSTEAD ENSURE THAT ANY ECONOMIC ZONE DOES NOT INTERFERE WITH THE PRESENT RIGHT TO POSITION SOSUS SYSTEMS AS REQUIRED. RECOGNIZING THE SENSITIVITY WHICH EXISTS CONCERNING THE PHRASE "HIGH SEAS", ADMIRAL MORRIS ASKED THAT WE NEVERTHELESS APPLY THIS TRADITIONAL CONCEPT BEGINNING AT 12 MILES.

40. DE STAERCKE (BELGIUM) PICKED UP THE POINT THAT THE SOVIETS DO NOT HAVE A SOSUS SYSTEM BUT ARE TRYING TO DEVELOP ONE. HE ASKED IF THE SOVIETS WOULD DESIRE TO SAFEGUARD THE RIGHT TO INSTALL SOSUS AND THEREFORE HAVE AN INTEREST SIMILAR TO THAT OF THE UNITED STATES. ADMIRAL MORRIS REPLIED THAT SHOULD THE SOVIETS DEVELOP A SYSTEM, GEOGRAPHY STILL PLAYS A ROLE AND IT WOULD NOT BE A "ZERO SUM GAME". IN REPLY TO A FURTHER INQUIRY BY DE STAERCKE, U.S. REP MOORE POINTED OUT THAT BECAUSE OF SECURITY THE U.S. HAS NOT RAISED THIS ISSUE WITH THE SOVIETS, BUT THAT SOVIET INTEREST IN PROTECTING RESIDUAL RIGHTS MAY COINCIDE WITH THE ALLIANCE INTEREST.

41. ITALIAN REP (VARVESI) REAFFIRMED THE PRINCIPLE OF FREEDOM CONCERNING PASSAGE OF INTERNATIONAL STRAITS (EXCEPT IN ISLAND EXCEPTION). HE SAID ITALY HAD SOME RESERVE ABOUT THE CONTENT OF THE ECONOMIC ZONE. ITALY COULD NOT SUPPORT AN ECONOMIC ZONE ON A TERRITORIAL BASIS, AND AN EXCLUSIVE ECONOMIC ZONE WOULD AMOUNT TO TERRITORIAL SEA OF 200 MILES. THE DEFINITION OF AN ECONOMIC ZONE SHOULD BE FUNCTIONAL. HE SUPPORTED FREEDOM OF RESEARCH, NOTING THERE SHOULD BE NO PROBLEM IF THERE IS AN EXCHANGE OF RESULTS.

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42. DANISH REP (FERGO) STRESSED UTILITY OF ALLIED DISCUSSIONS ON MILITARY ASPECT OF LOS. HE SAID DENMARK MAINTAINS THE RIGHT OF FREE TRANSIT OVER AND UNDER INTERNATIONAL STRAITS. DENMARK SHARES

THE GENERAL CONCERN REGARDING FREEDOM OF NAVIGATION. AT THE SAME TIME DENMARK HAS ITS OWN NATIONAL SECURITY CONSIDERATIONS. THE DANISH STRAITS ARE REGULATED BY TREATY. DENMARK AGREES WITH FREE TRANSIT, PROVIDED ITS SPECIAL PROBLEM IS DEALT WITH. DENMARK WOULD NOT

BE ABLE TO ADHERE TO A CONVENTION WHICH DIMINISHED RIGHTS IN THE HIGH SEAS OUTSIDE THE 12-MILE LIMIT, EXCEPT IN A TREATY RELATING TO

SPECIFIC USES OF AN ECONOMIC NATURE. THERE IS A DANGER OF COUNTRIES INTRODUCING SO MANY RESTRICTIONS REGARDING THE ECONOMIC ZONE THAT IT BECOMES A TERRITORIAL SEA. IT IS REGRETTABLE THAT THE TERM "HIGH SEAS" HAD COME INTO A CERTAIN DISREPUTE IN LOS DISCUSSIONS. DENMARK AGREED WITH THE CANADIAN REPRESENTATIVE THAT IT WAS NOT IN THE INTEREST OF THE ALLIANCE OR OF ANY COUNTRY THAT THE CONFERENCE FAIL, BECAUSE OF THE CONTROVERSY AND FRICTION FAILURE WOULD PRODUCE.

43. NETHERLANDS REP (BOS) SAID THE TIME OF TRADITIONAL FREEDOMS OF THE HIGH SEAS IS OVER, AND THERE IS NOW A NEED FOR AN INTERNATIONAL

REGIME TO GUARANTEE ADVANTAGES TO MANKIND AS A WHOLE, WITH SPECIAL ATTENTION TO DEVELOPMENT. NETHERLANDS ATTACHES PARTICULAR IMPORTANCE TO INTERNATIONAL APPROACH TO THE ECONOMIC ZONE. IN EXTENDING THE ECONOMIC ZONE TO 200 MILES, THE INTERESTS OF LESS-FAVORED STATES SHOULD BE TAKEN INTO ACCOUNT. THE CONFERENCE SHOULD ALSO BE PRECISE ABOUT RIGHTS OF COASTAL STATES IN THE ECONOMIC ZONE, AND DEFINE THEM CLOSELY. NETHERLANDS REP AGREED WITH THE CANADIAN THAT THERE SHOULD BE A PROCEDURE FOR SETTLING DISPUTES IN THIS ZONE TO RESOLVE CONFLICTS AMONG VARIOUS USERS. REGARDING SCIENTIFIC RESEARCH, THE NETHERLANDS SUPPORTS A DISTINCTION BETWEEN PURE SCIENCE AND RESEARCH FOR OTHER PURPOSES. A PROCEDURE FOR SETTLING DISPUTES WILL BE USEFUL HERE.

44. CANADIAN REP ASKED ADMIRAL MORRIS, WITH RESPECT TO SONIC LISTENING DEVICES, WHETHER ANY THOUGHT HAD BEEN GIVEN TO PROPOSALS IN GENEVA (E.G., BY NIGERIA) TO EXEMPT CERTAIN DEVICES. AT ONE TIME THERE WAS A WIDESPREAD VIEW THAT LISTENING DEVICES WERE NOT PASSIVE. ADMIRAL MORRIS REPLIED THAT HE KNEW OF NO
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ONGOING DISCUSSIONS ON THIS POINT, AND HE REITERATED THAT THESE DEVICES WERE EQUIPMENT, NOT ARMS, AND WERE PASSIVE.

45. ADMIRAL HILL-NORTON (CHAIRMAN OF MILITARY COMMITTEE) SAID THAT THE MILITARY AUTHORITIES HAD NOT BEEN COLLECTIVELY INVOLVED IN THE SUBJECT OF LOS SINCE 1971, WHEN THEY TRIED TO ANSWER A NAC QUESTION ON THE BREADTH OF THE TERRITORIAL SEA, BUT FAILED TO DO SO BECAUSE COUNTRIES COULD NOT AGREE. HE SUGGESTED THAT THE NAC INSTRUCT THE NATO MILITARY AUTHORITIES TO GIVE THEIR VIEW ON THE MATTERS DISCUSSED TODAY. THE MILITARY AUTHORITIES BELIEVE THAT UNIMPEDED TRANSIT IS OF OVERRIDING IMPORTANCE. AN UNSATISFACTORY AGREEMENT WOULD CLOSE OFF A LARGE QUANTITY OF WATER. "PREFERENTIAL TRANSIT" TO STATES BORDERING CLOSED SEAS WOULD INHIBIT MOVEMENT OF OTHERS. THE ALLIES MUST BE VERY CLEAR THAT ONCE OUTSIDE THE TERRITORIAL SEA, ONE IS ON THE HIGH SEAS. REGARDING THE QUESTION OF POLICING THE INTERNATIONAL AREA, HE CONSIDERED THIS AN IMPOSSIBLE ENTERPRISE. THERE MIGHT BE A SETTLEMENT PROCEDURE, BUT NOT "POLICEMEN" BECAUSE

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THERE ARE NOT ENOUGH OF THEM.

46. CANADIAN REP NOTED BARZIL AND PERU HAD TAKEN POSITION THAT MILITARY MANEUVERS AND NAVAL FIRING BY OTHER COUNTRIES COULD NOT BE PERMITTED WITHIN 200-MILE ZONE. CONCEIVABLY CERTAIN AFRICANS MIGHT COME TO SUPPORT THIS POSITION EVEN THOUGH IT HAD NOT ATTRACTED MUCH SUPPORT SO FAR.

47. DE ROSE (FRANCE) ASKED ABOUT THE PROSPECTS FOR THIRD WORLD COUNTRIES ULTIMATELY IMPOSING THEIR VIEWS ON THIS ISSUE. HE NOTED,
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FOR EXAMPLE, THAT THE U.S. WOULD NOT ACCEPT A TREATY WHICH PROHIBITED TRANSIT OF SUBMERGED SUBMARINES. COULD ONE EXPECT, THEREFORE, THAT THE WILDER THIRD WOULD POSITIONS WOULD NOT BE A PROBLEM FOR THE ALLIANCE IF THE ALLIANCE WOULD NOT AGREE TO THEM?

48. CANADIAN REP EXPRESSED BELIEF ALLIES COULD DEAL SUCCESSFULLY

WITH THIRD WORLD INTERESTS IF WE PROCEED SENSIBLY BY ADOPTING FUNCTIONAL APPROACH TO INDIVIDUAL PROBLEMS AND THAT ONLY A FEW STATES HAD ADOPTED EXTREME POSITIONS. HOWEVER, IF WE TAKE A DOCTRINAL APPROACH, FOR EXAMPLE, BY SAYING RESIDUAL RIGHTS IN ECONOMIC ZONE ARE THE SAME AS HIGH SEA RIGHTS, THEN THIRD WORLD COUNTRIES MIGHT SAY THE ONLY WAY TO ACHIEVE THEIR OBJECTIVE WOULD BE BY EXTENDING THE TERRITORIAL SEA TO 200 MILES. CANADIAN REP CAUTIONED AGAINST MAKING STATEMENTS THAT COULD FORCE THIRD WORLD MODERATES INTO EXTREMIST CAMP.

49. ON SCIENTIFIC RESEARCH, CANADIAN REP CAUTIONED AGAINST OVERSTATING DANGERS OF CONSENT REGIME. HE SAID THIRD WORLD COUNTRIES WERE NERVOUS ABOUT POSSIBILITY OF ECONOMIC EXPLORATION OFF THEIR COAST UNDER GUISE OF SCIENTIFIC RESEARCH. HE BELIEVED SOLUTION COULD BE DEVELOPED ALONG LINES OF A CONSENT REGIME, NOT BALD CONSENT BUT A REGIME INCLUDING PROVISIONS THAT CONSENT WOULD NOT BE UNREASONABLY WITHHELD.

50. U.S. REP SAID THE U.S. WAS CONCERNED WITH PROBLEMS INHERENT IN EXISTING SHELF CONVENTION REGARDING SCIENTIFIC RESEARCH AND POSSIBILITY THAT LIMITATIONS ON SCIENTIFIC RESEARCH WOULD BE EXTENDED THROUGHOUT WATER COLUMN IN ECONOMIC ZONE. U.S. SCIENTISTS HAVE ENCOUNTERED REAL PROBLEMS. THE SOVIETS HAVE ROUTINELY REFUSED PERMISSION FOR SCIENTIFIC RESEARCH ON THEIR SHELF. MANY OTHER STATES HAVE NOT ANSWERED REQUESTS TO CARRY OUT RESEARCH. U.S. IS PROMOTING SOLUTION TO THIS PROBLEM WHICH WILL REFLECT LEGITIMATE CONCERNS OF COASTAL STATES AND ENSURE SCIENTIFIC RESEARCH CAN BE CARRIED OUT IN COASTAL AREAS. CERTAIN OBLIGATIONS WOULD BE BINDING ON STATES CARRYING OUT RESEARCH. THESE WOULD INCLUDE ADVANCE NOTICE TO COASTAL STATES, COASTAL STATE PARTICIPATION, SHARING OF DATA AND SAMPLES, COMPLIANCE WITH ENVIRONMENTAL REGULATIONS AND PROMPT PUBLICATION OF RESULTS. U.S. REP NOTED THAT THESE PROVISIONS WOULD NOT APPLY TO COMMERCIAL EXPLORATION OR TO DEEP DRILLING, WHICH WOULD REMAIN PROVINCE OF COASTAL STATES. WE BELIEVE THIS IS BALANCED APPROACH. CONCEIVABLY IT COULD BE
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COUPLED WITH PROVISION FOR SETTLEMENT OF DISPUTES AS NETHERLANDS REP SUGGESTED. U.S. REP CONCLUDED BY STRESSING NEED TO PRESERVE POTENTIAL FOR SCIENTIFIC RESEARCH AND TO MAXIMIZE FREE FLOW OF SCIENTIFIC INFORMATION ABOUT THE OCEANS.

51. IN SUMMING UP, DEPUTY SYG PANSA SAID HE WOULD LIST CONCERNS EXPRESSED DURING EXTREMELY USEFUL LOS CONSULTATIONS. FIRST, ALLIES SHOULD AVOID DEVELOPMENTS THAT WOULD LIMIT FREEDOM OF OUR NAVAL MOVEMENTS. WE SHOULD MAKE SPECIAL EFFORTS TO PRESERVE POSSIBILITIES FOR SOSUS. WE SHOULD RESIST EXTENSION OF TERRITORIAL LIMITS BEYOND 12 MILES AND CREEPING ASSERTION OF RIGHTS IN ECONOMIC ZONE. PANSA NOTED EXPRESSION OF CONCERN THAT INTERNATIONAL REGIME FOR HIGH SEAS COULD EXPAND ITS COMPETENCE IN WAY THAT WOULD INFRINGE ON ALLIANCE INTERESTS. ON STRATITTS, HE NOTED NEED TO PRESERVE RIGHTS FOR SUBMERGED TRANSIT BY SUBMARINES. THE U.S. HAD PLACED PARTICULAR

EMPHASIS ON NEED FOR UNIMPEDED TRANSIT OF STRAITS.

52. AS TO FUTURE, PANSA NOTED EMPHASIS ON NEED FOR PROGRESS AT GENEVA ALONG WITH REALISTIC VIEW OF WHAT ALLIES COULD ACHIEVE. HE BELIEVED THAT ON ISSUES WHERE VIEWS OF ALLIES CAN CONVERGE THEY SHOULD MAKE EVERY EFFORT AT GENEVA TO PRESERVE ALLIANCE SOLIDARITY. ON ISSUES WHERE WE RECOGNIZE THERE ARE DIFFERING POSITIONS WITHIN ALLIANCE, WE SHOULD ATTEMPT TO PRESERVE SOME FLEXIBILITY AND LEAVE ROOM FOR CONSULTATIONS AND REGIONAL SOLUTIONS. PANSA SUGGESTED THAT ALLIED REPS CONSIDER CONTINUING APPROPRIATE ALLIED CONSULTATIONS DURING GENEVA CONFERENCE. NOTING SUGGESTION THAT NATO MILITARY AUTHORITIES BE TASKED TO CONSIDER LOS ISSUES, HE BELIEVED COUNCIL MIGHT WISH TO CONSIDER THIS QUESTION. PANSA SAID PRESS COMMUNIQUE WOULD SAY NAC HELD CONSULTATIONS MARCH 6 ON LOS ISSUES THAT WOULD BE CONSIDERED AT FORTHCOMING GENEVA CONFERENCE. HEADS OF DELEGATION AND EXPERTS ON THE LOS MATTERS ATTENDED NAC MEETINGS.

53. (THIS MESSAGE POUCHED TO DEFENSE AND MILITARY ADDRESSES BECAUSE OF MINIMIZE.)

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